

# Cicala Declaration

## Exhibit C



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Antonla C. Novello, M.D., M.P.H., Dr.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

November 1, 2005

To Whom It May Concern:

The law firm of Kirby Molnerney & Squire, LLP has been retained by the City of New York and over three dozen New York county governments to prosecute litigation against pharmaceutical manufacturers directed at recovering damages for the entire New York State Medicaid Program. In that limited capacity, the State of New York hereby deputizes Kirby Molnerney & Squire as representing the State of New York's interests for the purposes of the described litigation and for the purpose of obtaining access to the materials covered by the operative protective orders in the Texas State cases styled "The State of Texas ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc. et al, Cause No. GV002327" and "The State of Texas ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc. et al. Cause No. GV401286."

Sincerely,

Kathryn Kuhmerker  
Deputy Commissioner  
Office of Medicaid Management